

# REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH\*

Attorney Docket  
Number: 18612

Application  
Number: 10/526,133

Filing Date  
(or 371(b) or (f) Date): March 29, 2006

Patent Number: 7,612,257

Issue Date: November 3, 2009

First Named  
Inventor: Filippa Brugliera, et al.

Title: FLAVANOID 3', 5' HYDROXYLASE GENE SEQUENCES AND USES THEREFOR

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

\*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature

Name  
(Print/Typed) Xiaochun Zhu

Date April 1, 2010

Registration Number 56,311

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.

☒ \*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Patentees:</b>	Filippa Bruglicra, et al.	<b>Examiner:</b>	Vinod Kumar
<b>Patent No.:</b>	7,612,257	<b>Art Unit:</b>	1638
<b>Issued:</b>	November 3, 2009	<b>Docket:</b>	18612
<b>For:</b>	FLAVANOID 3', 5' HYDROXYLASE GENE SEQUENCES AND USES THEREFOR	<b>Dated:</b>	April 1, 2010

**Confirmation No.:** 2581

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**Request for Recalculation of Patent Term Adjustment in View of *Wyeth***

Sir:

Patentees are submitting herewith a Request for Recalculation of Patent Term Adjustment in View of *Wyeth* Form (PTO/SB/131), requesting that the U.S. Patent and Trademark Office recalculate the patent term adjustment in the above-identified patent.

Pursuant to the interim procedure set forth in Federal Register, Volume 75, Number 20, dated February 1, 2010, established by the U.S. Patent and Trademark Office, a form PTO/SB/131 must be submitted no later than 180 days after a patent has issued. The above-identified patent was issued on November 3, 2009. Accordingly, the form is due on May 1, 2010.

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**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website on the date shown below.

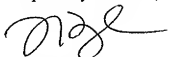
Dated: April 1, 2010

  
Xiaochun Zhu

Conclusion

If the Office believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Office is requested to telephone the undersigned.

Respectfully submitted,



Xiaochun Zhu

Registration No. 56,311

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Enclosure: Request for Recalculation of Patent Term Adjustment in View of *Wyeth*  
(PTO/SB/131 Form (1 page)